

EXHIBIT 281

14 V.I.C. § 1721B

Statutes current through Act 8722 of the 2023 session of the 35th Legislature, including all code changes through June 22, 2023

Virgin Islands Code Annotated > TITLE FOURTEEN Crimes (Chs. 1 — 124) > Chapter 86. Sexual Offender Registration and Community Protection (§§ 1721 — 1733)

Exhibit

1

§ 1721B. Tiered offenses**(a) Tier 1 Offenses.**

- (1) A “Tier 1” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that is not a “Tier 2” or “Tier 3” offense.
- (2) A “Tier 1” offense also includes any offense for which a person has been convicted by any jurisdiction, local government, or qualifying foreign country pursuant to section 1721A(c) that involves:
 - (i) the false imprisonment of a minor,
 - (ii) video voyeurism of a minor, or
 - (iii) possession or receipt of child pornography.
- (3) Any sex offense covered by this act where punishment was limited to one year in jail shall be considered a “Tier 1” sex offense. Local Offenses covered in this Statute include, but may not be limited to:
 - (i) [14 V.I.C. § 1709](#), unless enhanced with [14 V.I.C. § 707](#) (Use of intimidation by reason of the actual or perceived race, religion, color, place of birth, sex or ethnicity or handicap of another individual or group of individuals when engaging in unlawful sexual contact);
 - (ii) [14 V.I.C. § 121](#) (use of invitation or device to prevail upon an adult to visit a place for the purpose of prostitution of a minor);
 - (iii) [14 V.I.C. § 1622\(2\)](#), (3) & (4) (Prohibition on solicitation and use of minors in prostitution);
 - (iv) [14 V.I.C. § 1623](#) (Knowingly leasing property to be used for prostitution of minors); or
 - (v) [14 V.I.C. § 1624](#) (Keeping house of prostitution of minors).
- (4) Conviction for any of the following federal offenses shall be considered a conviction for a “Tier 1” offense:
 - (i) 18 U.S.C. § 1801 (video voyeurism of a minor),
 - (ii) 18 U.S.C. § 2252 (receipt or possession of child pornography),
 - (iii) 18 U.S.C. § 2252A (receipt or possession of child pornography),
 - (iv) 18 U.S.C. § 2252B (misleading domain names on the internet),
 - (v) 18 U.S.C. § 2252C (misleading words or digital images on the internet),
 - (vi) 18 U.S.C. § 2422(a) (coercion to engage in prostitution),
 - (vii) 18 U.S.C. § 2423(b) (travel with the intent to engage in illicit conduct),
 - (viii) 18 U.S.C. § 2423(c) (engaging in illicit conduct in foreign places),

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(ix) 18 U.S.C. § 2423(d) (arranging inducing, procuring or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain),

(x) 18 U.S.C. § 2424 (failure to file factual statement about an alien individual), or

(xi) 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct).

(5) Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at [10 U.S.C. § 951](#) note) that is similar to those offenses outlined in section 1721B(a)(3) and (4) shall be considered a "Tier 1" offense.

(b) Tier 2 Offenses.

(1) Unless otherwise covered by section 1721B(c), any sex offense that is not the first sex offense for which a person has been convicted and that is punishable by more than one year in jail is considered a "Tier 2" offense.

(2) A "Tier 2" offense includes any sex offense against a minor for which a person has been convicted, or an attempt or conspiracy to commit such an offense that involves:

(i) the use of minors in prostitution, including solicitations,

(ii) enticing a minor to engage in criminal sexual activity,

(iii) sexual contact with a minor 13 years of age or older, whether directly or indirectly through the clothing, that involves the intimate parts of the body,

(iv) the use of a minor in a sexual performance,

(v) the production or distribution of child pornography, or

(vi) a non-forcible Sexual Act with a minor 16 or 17 years old.

(3) Local Offenses covered under Tier 2 include, but may not be limited to:

(i) [14 V.I.C. § 134\(a\)\(3\)](#) (Trafficking of persons for illegal sexual activity based upon convictions under [14 V.I.C. §§ 1622](#), 1623, 1624 & 1625,

(ii) [14 V.I.C. § 1024\(b\)](#) (Distribution of child pornography),

(iii) [14 V.I.C. § 1025](#) (Distribution of obscene matter to a minor when the obscene matter depicts a minor engaging in sexual conduct and is distributed for the purpose of enticing the minor into engaging in sexual conduct),

(iv) [14 V.I.C. § 1700a](#) (Aggravated rape in the 2nd degree when the minor is under eighteen but thirteen years or older)

(v) [14 V.I.C. § 1702](#) (Rape in the Second Degree when minor is under 16 but over 13 years of age)

(vi) [14 V.I.C. § 121](#) (use of invitation or device to prevail upon a minor to visit a place for the purpose of prostitution)

(vii) [14 V.I.C. § 1027](#) (Employment of minor to perform prohibited acts), or

(viii) [14 V.I.C. § 489](#) (Computer pornography).

(4) Conviction for any of the following federal offenses shall be considered a conviction for a "Tier 2" offense:

(i) 18 U.S.C. § 1591 (sex trafficking by force, fraud, or coercion),

(ii) 18 U.S.C. § 2244 (abusive sexual contact, where the victim is 13 years of age or older),

(iii) 18 U.S.C. § 2251 (sexual exploitation of children),

(iv) 18 U.S.C. § 2251A (selling or buying of children),

(v) 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor),

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- (vi) 18 U.S.C. § 2252A (production or distribution of material containing child pornography),
- (vii) 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States),
- (viii) 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity),
- (ix) 18 U.S.C. § 2422(b) (coercing a minor to engage in prostitution),
- (x) 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct), or
- (xi) 18 U.S.C. § 2423(d) (arranging, inducing procuring or facilitating the travel in interstate commerce of a minor for the purpose of engaging in illicit conduct for financial gain).

(5) Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at [10 U.S.C. § 951](#) note) that is similar to those offenses outlined in subsections 1721B(b)(1), (2), (3) or (4) above shall be considered a “Tier 2” offense.

(c) Tier 3 Offenses.

(1) Any sex offense that is punishable by more than one year in jail where the offender has at least one prior conviction or an attempt or conspiracy to commit such an offense for a Tier 2 sex offense, or has previously become a Tier 2 sex offender, is a “Tier 3” offense.

(2) A “Tier 3” offense includes any sex offense for which a person has been convicted, or an attempt or conspiracy to commit such an offense, that involves:

- (i) non-parental kidnapping of a minor,
- (ii) a sexual act with another by force or threat,
- (iii) a sexual act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate, or
- (iv) sexual contact with a minor 12 years of age or younger, including offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing.

(3) Local Offenses covered under Tier 3 for which a person has been convicted, or has been convicted of an attempt or conspiracy to commit such an offense, include, but may not be limited to:

- (i) [14 V.I.C. § 1051](#)(non-parental kidnapping of a minor),
- (ii) [14 V.I.C. § 1052\(b\)](#)(kidnapping of persons for purpose of rape),
- (iii) [14 V.I.C. § 1700](#)(Aggravated rape),
- (iv) [14 V.I.C. § 1701](#)(Rape in the first degree),
- (v) [14 V.I.C. § 1700a](#)(Aggravated rape in the second degree when force is used),
- (vi) [14 V.I.C. § 1708](#)(Unlawful sexual contact in the first degree),
- (vii) [14 V.I.C. § 1709](#)when a person is also convicted of [14 V.I.C. § 707](#) (Unlawful sexual contact in the second degree when motivated by the victim's race, religion, color, place of birth, sex, ethnicity or handicap),
- (viii) [14 V.I.C. § 506](#)(Aggravated child abuse when it involves the use of a minor for the purpose of exploitation or to engage in sexual conduct),
- (ix) [14 V.I.C. § 1625](#)(Prohibition on pandering when the pandering involves the use of minors in sexual acts), or
- (x) [14 V.I.C. § 505](#)(child abuse of a minor involving sexual exploitation or sexual acts).

(4) Conviction for any of the following federal offenses shall be considered conviction for a “Tier 3” offense:

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- (i) 18 U.S.C. § 2241 (aggravated sexual abuse),
 - (ii) 18 U.S.C. § 2242 (sexual abuse),
 - (iii) Where the victim is 12 years of age or younger, [18 U.S.C. § 2244](#) (abusive sexual contact); or
 - (iv) 18 U.S.C. § 2243 (sexual abuse of a minor or ward).
- (5) Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (codified at [10 U.S.C. § 951](#) note) that is similar to those offenses outlined in subsections 1721B(c)(1), (2), (3) or (4) above shall be considered a “Tier 3” offense.

History

—Added July 18, 2012, [No. 7372, § 3, Sess. L. 2012](#), p. 125–131.

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